

Comments on Thursday, June 10, 2010

List of Preparers

Remove Ron Fisher and James Barr. Region 9 staff should be listed first. Add:

- Renee M. Marler, Esq., Regional Counsel, Region IX
- Elizabeth Zelasko, Environmental Protection Specialist, FTA Office of Planning and Environment
- Chris Van Wyk, Esq., Attorney – Advisor, FTA Office of Chief Counsel

Section 4(f) – Appendix F

- Include the email from the Department of Land and Natural Resources concurring with the de minimis impact determination in Appendix F.

Page 4-23

Under Historic Resources, should mention that the PA is draft. Do a search throughout the document and add draft to before description of the PA.

Page 4-186

The draft Section 106 Programmatic Agreement (PA) was developed in consultation among the consulting parties. The Section 106 process identified historic properties potentially affected by the Project, assessed effects, and sought ways to avoid, minimize or mitigate any adverse effects on any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in the National Register of Historic Places. The draft PA records the terms and conditions agreed upon to resolve potential adverse effects and is attached to this Final EIS in Appendix H. The Section 106 signatories (FTA, SHPO, and ACHP) clarified the language in the draft PA, and in May 2010 FTA distributed the draft PA to the Section 106 consulting parties for informational purposes. FTA, SHPO, and ACHP, in coordination with the invited signatories, will finalize this draft PA prior to the ROD. FTA will distribute the executed PA to the Section 106 consulting parties and invite their signature as concurring parties to the PA.

Executive Summary

Page S-3: revise the language “The scoping process concluded that no alternatives that had not been previously studied and eliminated for good cause would satisfy the Purpose and Need at less cost, with greater effectiveness, or with less environmental or community impact.” for consistency with Chapter 2 and FTA criteria for alternatives to be withdrawn from further study if they do not meet project purpose and need.

Page S-7, Second column, First paragraph.

In addition to views of protection resources, there are also protection views from prominent landmarks (NHL).

S-9, Second column, First paragraph under Street Trees.

- Last sentence in the paragraph is incomplete. Who will the City coordinate with as the Project progresses and when?
- “Archaeological resources already documented within the APE include remnants of fishponds, cultivation terraces, irrigation systems, habited sites, and subsurface cultural layers related to Native Hawaiians that may include religious or cultural artifacts and resource, including iwi kupuna or Hawaiian burials.”
 - **Strongly recommend discussing the Native Hawaiian burials and iwi kupuna separate from the other archeological resources. As described in the PA, efforts would be made to identify the Native Hawaiian Burials prior to the end of final design and substantial efforts to minimize the impact to iwi kupuna during construction. Therefore it is not appropriate to only casually say that these effects would occur during construction. Although this is a summary, I think particular attention should be given to how the FTA and the City have attempted to minimize impacts on Native Hawaiian burials and that should be described properly.**

S-10

First column, last paragraph.

Remove the sentence “Through consultation, the Project was determined to have an adverse effect on 33 resources.” It is redundant with the sentence that follows it.

S -11

Should mention that there will be a construction/vibration monitoring plan developed for construction adjacent to historic structures as part of the PA.

Under Cost and Financial Analysis

Should mention what the last New Starts Rating was for the Project.